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OBIESAN, AUGUSTINE KUNLE				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,560

Applicant(s)

KAWATE ET AL.

Examiner

AUGUSTINE OBISESAN

Art Unit

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 4, 6 - 12, 14 - 20, 22 - 24, 26 - 28, 30 - 32, and 34 - 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 4, 6 - 12, 14 - 20, 22 - 24, 26 - 28, 30 - 32, and 34 - 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 1/28/2009, in which claims 5, 13, 21, 25, 29, and 33 were cancelled and claims 1 – 4, 6 – 12, 14 – 20, 22 – 24, 26 – 28, 30 – 32, and 34 – 41 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1 – 4, 6 – 12, 14 – 20, 22 – 24, 26 – 28, 30 – 32, and 34 – 41 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment.

Remarks

3. As per claim 1, applicant argues in substance in pages 18 – 20 that neither Ikedo (US 6,195,503) nor Fujita (US 5,933,570) nor Murase (US 6,285,826) specifically disclose priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block and said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, and the corresponding information necessary for reproducing Said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block and information necessary for

non-destructive editing-said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block.

Examiner respectively disagrees.

In response to applicant's argument, Examiner respectively responds that Ikedo (US fully disclose priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block and said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, and the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block (col.5 lines 41 – 67; 43

designates a still picture recording area in which the aforesaid still picture compressed files (aaa.xxx, bbb.xxx, ccc.xxx, . . .) are recorded; 45 designates a sound recording area, in which the aforesaid sound compressed files (aaa.yyy, bbb.yyy, . . .) are recorded; and, 47 designates a control area for storing information in which ones of the aforesaid still picture compressed files are associated with correlated sound compressed files, and in which a control file designating an order of reproduction, time control and the like is recorded. Within the illustrated FIGS. 4a-4b examples, the illustrated area ratio of the various file storage areas within recording area does not indicate actual recording area sizes, but instead, sizes of such areas can be freely assigned. During reproduction, a compressed file (for example, aaa.xxx, bbb.xxx, ccc.xxx, . . . and aaa.yyy) are selected from the still picture recording area 43 and the sound recording area 45 on the

Art Unit: 2169

basis of information of the control file within the control area. and col.6 lines 1 – 14; the reproduction is performed in accordance with the content of the control area in the same manner as in FIG. 4a, and therefore, redundant description thereof is omitted for sake of brevity).

Examiner interprets "selecting order of reproducing data on the basis of information in the control area" is "priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream" as claimed.

As per claims 9, 17, 23, 27, 31, and 35 – 41, see the rejection of claim 1 above.

4. Thus, Examiner maintains the rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 – 3, 6 – 9, 14 – 18, 22 – 23, 26 – 27, 30 – 31, and 34 – 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikedo et al (US 6,195,503), in view of Fujita (US 5,933,570).

As Per claim 1, Ikedo et al discloses,

A file recording device for recording actual data in a recording medium as a file with a predetermined format (abstract and col.3 lines 7 - 36) where recording image and sound on the computer is "recording actual data in a predetermine format" as claimed.

wherein said file to which a plurality of said actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together, and said actual data block (abstract, Fig.4a and col.5 lines 32 – 63) where sound, still picture, and control information reside on storage medium is "actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together" as claimed.

wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, and the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block (Fig.4b, col.5 lines 41 – 67, and col.6 lines 1 - 15) where data recording medium is divided into recording, reserve, and control area is "management information block is further divided into blocks by a hierarchical structure" as claimed.

and wherein said file recording device assigns a stream in which video data serving as a stream and sound data serving as a stream are multiplexed to one

piece of said actual data to form said actual data block (abstract, Fig.1, and col.2 lines 13 – 32) where multiplex means multiplexing still image and sound is “multiplexing video data and audio data” as claimed.

forms said middle-level hierarchical management information block

corresponding to said multiplexed stream (Fig.4b and col.6 lines 4 – 15)

sets information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, and

information necessary for reproducing said sound data serving as said stream to the low-level hierarchical block of the middle-level hierarchical management information block (Fig.4b and col.6 lines 4 – 15)

and records said multiplexed stream in said recording medium as a file with said format (Fig.6 and col.2 lines 13 – 32) where recording the multiplex output is “records said multiplex stream” as claimed,

and wherein priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said

corresponding multiplexed stream is set to said middle-level hierarchical management information block (col.5 lines 41 – 67 and col.6 lines 1 – 14) where

selecting still and sound data based on order of reproduction from control file is “priority information which indicates the priority at the time of reproduction regarding each audio and video stream” as claimed.

Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level

hierarchical management information block and sets information necessary for non-destructive editing said actual data to the low-level hierarchical block of the middle-level hierarchical management information block. However, Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and sets information necessary for non-destructive editing said actual data to the low-level hierarchical block of the middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

As per claim 2, the rejection of claim 1 is incorporated and further Ikedo et al discloses,
wherein information necessary for reproducing said multiplexed stream,
information necessary for reproducing said video data serving as said stream,
and information necessary for reproducing said sound data serving as said stream are set to said low-level hierarchical block as the extended data of said low-level hierarchical block (Fig.4b and col.6 lines 4 – 15)

As per claim 3, the rejection of claim 2 is incorporated and further Ikedo et al discloses,

wherein the information necessary for reproducing said multiplexed stream is separated into system information relating to basic information, and system auxiliary information relating to auxiliary information, which are set to said low-level hierarchical block as each entry respectively (Fig.4b and col.6 lines 4 – 15).

As per claim 6, the rejection of claim 1 is incorporated and further Ikedo et al discloses, wherein priority information which indicates the priority at the time of reproducing the corresponding actual data is set for each said actual data (col.5 lines 41 – 67 and col.6 lines 1 – 14).

As per claim 7, the rejection of claim 1 is incorporated and further Ikedo discloses,

**wherein control information for controlling each stream making up said multiplexed stream is assigned to said actual data block as one piece of actual data (abstract, Fig.1, and col.3 lines 13 - 55)
and the middle-level hierarchical management information block corresponding to said control information is set (Fig.4b and col.6 lines 4 – 15)**

As per claim 8, the rejection of claim 7 is incorporated and further Ikedo discloses,

wherein said control information is information which instructs output or non-output of reproduction results regarding each of said respective streams (abstract, Fig.1, and col.3 lines 13 - 55) where controller control decompression and reproduction is "control information instructing output and non-output of reproduction results" as claimed.

As per claim 9, Ikedo et al discloses,

A file reproducing device for reproducing and outputting a file recorded in a predetermined recording medium (abstract and col.3 lines 7 - 36) where reproducing image and sound is "reproducing and outputting recorded file" as claimed.

wherein said file to which a plurality of said actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together, and said actual data block (abstract, Fig.4a and col.5 lines 32 – 63) where control area is "management information block area" as claimed.

wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block (Fig.4b and col.6 lines 4 - 15) where control area having area for

information necessary for reproducing the image and sound data is "dividing management information block" as claimed.

a stream in which video data serving as a stream and sound data serving as a stream are multiplexed is assigned to one piece of said actual data to form said actual data block (Fig.4b and col.6 lines 4 – 15) where multiplexing image and sound data to produce multiplexing output is "multiplexing video and sound data to form actual data" as claimed.

said middle-level hierarchical management information block corresponding to said multiplexed stream is formed (Fig.4b and col.6 lines 4 – 15)

information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, and information necessary for reproducing said sound data serving as said stream are set to the low-level hierarchical block of the middle-level hierarchical management information block (Fig.4b and col.6 lines 4 – 15)

wherein said file reproducing device processes the data of said file to be reproduced from said recording medium based on said information necessary for reproduction set to said low-level hierarchical block to reproduce said video data serving as said stream and said sound data serving as said stream (Fig.4b and col.6 lines 4 – 15) where using the correspondence information to reproduce the file is "processing of the file from the recording medium" as claimed,

and wherein a stream to be reproduced is selected based, on the priority information set to said middle-level hierarchical management information block,

which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream (col.5 lines 41 – 67 and col.6 lines 1 – 14) where selecting still and sound data based on order of reproduction from control file is “the priority information set to said middle-level hierarchical management information block, which indicates the priority at the time of reproduction regarding each audio and video stream” as claimed.

Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-destructive editing said actual data is set to the low-level hierarchical block of the middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

As per claim 14, the rejection of claim 9 is incorporated and further Ikedo discloses,

wherein based on the priority information set to said middle-level hierarchical management information block, which indicates the priority at the time of reproduction regarding each stream making up said corresponding multiplexed stream, said stream is subjected to mixing (col.5 lines 41 – 67 and col.6 lines 1 – 14).

As per claim 15, the rejection of claim 9 is incorporated and further Ikedo discloses,

wherein based on the control information to be provided in said actual data block, which controls each stream making up said multiplexed stream, reproduction of said corresponding stream is controlled (abstract and col.6 lines 4 – 14) where control area corresponding to the information to be reproduce is “ control information control reproduction of corresponding stream” as claimed.

As per claim 16, the rejection of claim 15 is incorporated and further Ikedo discloses,

wherein control of reproduction of said corresponding stream is control of output or non-output of reproduction results (col.4 lines 4 – 61).

As per claim 17, Ikedo disclose,

A file editing device for editing a file with a predetermined format (abstract and col.3 lines 7 - 36) where reproducing image and sound is "reproducing and outputting recorded file" as claimed.

wherein said file to which a plurality of said actual data can be assigned is formed of a management information block in which management information for managing said actual data is put together, and said actual data block (abstract, Fig.4a and col.5 lines 32 – 63) where control area is "management information block area" as claimed.

wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block (Fig.4b and col.6 lines 4 - 15) where control area having area for information necessary for reproducing the image and sound data is "dividing management information block" as claimed.

a stream in which video data serving as a stream and sound data serving as a stream are multiplexed is assigned to one piece of said actual data to form said actual data block (Fig.4b and col.6 lines 4 – 15) where multiplexing image and sound data to produce multiplexing output is "multiplexing video and sound data to form actual data" as claimed.

said middle-level hierarchical management information block corresponding to said multiplexed stream is formed, information necessary for reproducing said multiplexed stream, information necessary for reproducing said video data serving as said stream, information necessary for reproducing said sound data serving as said stream are set to the low-level hierarchical block of the middle-level hierarchical management information block, and wherein said file editing device processes said file based on said information necessary for reproduction set to said low-level hierarchical block (Fig.4b and col.6 lines 4 – 15) where using the correspondence information to reproduce the file is "processing of the file from the recording medium" as claimed,

and wherein priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block depending on the settings by a user (col.5 lines 41 – 67 and col.6 lines 1 – 14) where selecting still and sound data based on order of reproduction from control file is "priority information which indicates the priority at the time of reproduction regarding each audio and video stream making up said corresponding multiplexed stream is set to said middle-level hierarchical management information block" as claimed.

Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-

destructive editing said actual data is set to low-level hierarchical block of the middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-destructive editing said actual data is set to low-level hierarchical block of the middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

As per claim 18, the rejection of claim 17 is incorporated and further Ikedo discloses, wherein determination is made regarding whether or not said file is editable based on said information necessary for reproduction set to said low-level hierarchical block (fig.4a, fig.4b, abstract, and col.3 lines 7 - 36).

Claim 22 is file editing device claim corresponding to the file recording device claim 6, and rejected under the same reason set forth in connection to the rejection of claim 6 above.

Claims 23 and 26 are file recording method claim corresponding to the file recording device claims 1 and 7 respectively, and rejected under the same reason set forth in connection to the rejection of claims 1 and 7 respectively above.

Claims 27 and 30 are file reproducing method claim corresponding to the file reproducing device claims 9 and 15 respectively, and rejected under the same reason set forth in connection to the rejection of claims 9 and 15 respectively above.

Claim 31 is a file editing method claim corresponding to the file editing device claim 17, and rejected under the same reason set forth in connection to the rejection of claim 17 above.

Claim 34 is file editing method claim corresponding to the file reproducing device claim 6, and rejected under the same reason set forth in connection to the rejection of claim 6 above.

Claim 35 is a file recording program claim corresponding to the file recording device claim 1, and rejected under the same reason set forth in connection to the rejection of claim 1 above.

Claim 36 is a file reproducing program claim corresponding to the file reproducing device claim 9, and rejected under the same reason set forth in connection to the rejection of claim 9 above.

Claim 37 is a file editing program claim corresponding to the file editing device claim 17, and rejected under the same reason set forth in connection to the rejection of claim 17 above.

Claim 38 is a recording medium storing program file claim corresponding to the file recording device claim 1, and rejected under the same reason set forth in connection to the rejection of claim 1 above

Claim 39 is a file reproducing medium claim corresponding to the file reproducing device claim 9, and rejected under the same reason set forth in connection to the rejection of claim 9 above.

Claim 40 is a file editing program claim corresponding to the file editing device claim 17, and rejected under the same reason set forth in connection to the rejection of claim 17 above.

Claim 41 is a recording medium claim corresponding to the file recording device claim 1, and rejected under the same reason set forth in connection to the rejection of claim 1 above.

6. Claims 4, 10, 11 - 12, 19 - 20, 24, 28, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikedo et al (US 6,195,503), in view of Fujita (US 5,933,570), and further in view of Suzuki (US 5,751,356).

As per claim 4, Ikedo et al discloses, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikedo nor Fujita disclose identification information which indicated video data is encoding using open GOP or close GOP. However, Suzuki in an analogous art disclose the above limitation (abstract, col.3 lines 37 – 67, and col.4 lines 1 – 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching of Ikedo and Fujita to include identification information which indicated video data is encoding using open GOP or close GOP. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

As per claim 10, Ikedo et al discloses, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical

block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikedo nor Fujita disclose a file having difficulty in reproduction is detected based on said information necessary for reproduction set to said low-level hierarchical block. However, Suzuki in an analogous art discloses the above limitation (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching of Ikedo and Fujita to include file having difficulty in reproduction is detected based on said information necessary for reproduction set to said low-level hierarchical block. The modification would be obvious because one of ordinary skill in the art would be motivated to reduce the load impose on processor thereby increase the performance of the system.

As per claim 11, Ikedo et al discloses, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikedo nor Fujita disclose identification information which indicated video data is encoding using open GOP or close GOP. However, Suzuki in an analogous art discloses the above limitation (abstract, col.3 lines 37 – 67, and col.4 lines 1 – 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching Ikedo and Fujita to include identification information which indicated video data is encoding using open GOP or close GOP. The modification would be obvious because one of ordinary skill in the art would be motivated to allow user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

As per claim 12, Ikedo et al discloses, management information block for managing recording and reproducing the data, dividing management information block into hierarchical level, multiplexing of audio and video, and recording the multiplexing data (abstract, and col.2 lines 13 – 32, Fig.1, Fig.4b, Fig.6, and col.6 lines 4 – 15). Ikedo does not specifically disclose information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical

management information block. However Fujita in an analogous art disclose the above limitation (abstract, col.15 lines 29 – 67, and col.16 lines 1 – 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate Fujita into Ikedo to include information necessary for non-destructive editing said actual data is set to low-level hierarchical block of said middle-level hierarchical management information block. The modification would be obvious because one of ordinary skill in the art would be motivated to provide speedy means of reproducing the data.

Neither Ikedo nor Fujita disclose determination is made regarding whether or not the file is reproducible based on the identification information set to said low-level hierarchical block, which indicates whether said video data serving as said stream is data which has been subjected to encoding processing using closed GOP, or data which has been subjected to encoding processing using open GOP. However, Suzuki in an analogous art discloses the above limitation (abstract, col.3 lines 37 – 67, and col.4 lines 1 – 62).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Suzuki into the combine teaching of Ikedo and Fujita to include determination is made regarding whether or not the file is reproducible based on the identification information set to said low-level hierarchical block, which indicates whether said video data serving as said stream is data which has been subjected to encoding processing using closed GOP, or data which has been subjected to encoding processing using open GOP. The modification would be obvious because one of ordinary skill in the art would be motivated to allow

Art Unit: 2169

user to select play list for reproduction thereby eliminate confusion and making disc player easy to operate.

Claims 19 and 20 are file editing device claim corresponding to the file reproducing device claims 11 and 12 respectively, and rejected under the same reason set forth in connection to the rejection of claims 11 and 12 respectively above.

Claim 24 is a file recording method claim corresponding to the file recording device claim 4, and rejected under the same reason set forth in connection to the rejection of claim 4 above.

Claim 28 is a file reproducing method claim corresponding to the file reproducing device claim 11, and rejected under the same reason set forth in connection to the rejection of claim 11 above.

Claim 32 is a file editing method claim corresponding to the file reproducing device claim 11, and rejected under the same reason set forth in connection to the rejection of claim 11 above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AUGUSTINE OBISESAN whose telephone number is (571)272-2020. The examiner can normally be reached on 7:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pierre Vital can be reached on 571-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2169

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/24/2009

/Augustine Obisesan/

Examiner, Art Unit 2169

/Pierre M. Vital/

Supervisory Patent Examiner, Art Unit 2169